

### Remarks/Arguments

A favorable reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment to the specification, the "original" cross-reference beneath the title on Page 1 has been replaced by a "new" cross-reference which explicitly reflects the fact that Applicants claim priority from International Application No. PCT/EP 99/07239, filed September 30, 1999 and U.S. Application No. 09/220,813, filed December 23, 1998, consistent with the Declaration which accompanied the transmittal papers at the time the instant application was filed and the Information Disclosure Statement and Claim of Priority filed July 10, 2001. In this connection, a Petition Under 37 CFR 1.78(a)(3) to obtain an unintentionally delayed "claim of priority" under 35 U.S.C. §120 is being concurrently filed, a copy of which is enclosed.

Claims 31-34 were presented for examination, and Claims 31-34 are still the only claims present in the case.

Claim 33 has been amended to correct an editorial error noted by the Examiner.

The "sole" issue in the case involves Claims 31-34 which have been rejected under 35 U.S.C. §103(a) as being unpatentable over Allgeier et al. (WO 99/02497). As in the previous Office Action, the Examiner contends that since the Allgeier et al. reference: 1) discloses that mGluR5 antagonists are useful in treating anxiety; 2) specifically discloses the corresponding "ethynyl" bridged compound of the "elected" compound; and 3) teaches the equivalence of "lower alkenylene" and "lower alkynylene" as significances of the "X" bridging group, it would be obvious to one skilled in the art that the instantly claimed compounds, including the "preferred" compounds, would be useful in treating anxiety. Despite Applicants' contention in the previous response that Allgeier et al. is not an effective reference against any of the instant claims since its publication date is subsequent to the filing date of U.S. Application No. 09/220,813, the benefit of which Applicants are entitled to under 35 U.S.C. §120, the Examiner has maintained the rejection on the basis that Applicants did not explicitly claim the benefit of U.S. Application No. 09/220,813 and, therefore, cannot utilize it to overcome the rejection.

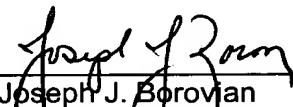
As indicated above, enclosed is a copy of a Petition Under 37 CFR 1.78(a)(3) to obtain an unintentionally delayed "claim of priority" under 35 U.S.C. §120 which is being concurrently filed and which, when granted, will enable Applicants to rely on the filing date of U.S. Application No. 09/220,813 which should overcome this rejection and place the instant application in condition for allowance.

In view of the foregoing, the Examiner is respectfully requested to hold the instant 35 U.S.C. §103(a) rejection in abeyance until the granting of the above-mentioned Petition, after which time the Examiner is respectfully requested to reconsider the rejection and withdraw it.

Since this Amendment will be deemed to have been filed more than three months from, but within four months of, the date of the Office Action, i.e., October 3, 2003, it is respectfully requested that the period for filing a response to said Office Action be extended by one month. Please charge the \$110 fee required by 37 CFR 1.17(a)(1) for a one-month extension of time to Deposit Account No. 19-0134 in the name of Novartis Corporation. In this connection, an additional copy of Page 6 is enclosed.

Respectfully submitted,

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Encls.: Copy of Petition Under 37 CFR 1.78(a)(3)  
Additional copy of Page 6  
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Date: January 21, 2004